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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,612	11/26/2003	Brett Watson-Luke	500.825US1	7895
27530	7590	05/31/2006	EXAMINER	
NELSON MULLINS RILEY & SCARBOROUGH, LLP 1320 MAIN STREET, 17TH FLOOR COLUMBIA, SC 29201			MYINT, DENNIS Y	
			ART UNIT	PAPER NUMBER
			2162	

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/723,612	Applicant(s) WATSON-LUKE ET AL.	
	Examiner Dennis Myint	Art Unit 2162	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/26/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/26/2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/09/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-25 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claim 1-23 and 25 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Surasinghe (hereinafter as "Surasinghe") (U.S. Patent Application Publication Number 2004/0194069) in view of Call (hereinafter "Call ") (U.S. Patent Number 6154738).

As per claim 1, Surasinghe is directed to:

“comprising managing the configuration of telecommunications operations software” (Surasinghe, Paragraph 0004, i.e. *For a company that provides a monthly service, such as, for example, telecommunication services, customized billing software controls customer billing operations using predetermined parameters that define customer rate plans.*)

“comprising computer code by storing configuration data,” (Surasinghe, Paragraph 0013, i.e. *The DBLRI operates with a database in which certain or all of the database fields and sub-fields correspond to parameters that are available to the user for inclusion in the business logic rules.*, and Paragraph 0018, i.e. *The DBLRI also readily accommodates new business practices by incorporating re-defined parameters.*)

“specifying or modifying the configuration data by selecting telecommunications products or services from a catalog” (Surasinghe, Paragraph 0012, i.e. *The invention is a system for dynamically integrating changes in the rules governing business operations into an application program that implements the rules in order to control business operations.* Note that it is inherent in the system of Surasinghe that new services and products of a business are reflected in said changes, including those made in a business catalog.).

“and effecting one or more changes required to the computer code of the telecommunications operations software in response to newly specified or modified configuration data. “ (Surasinghe, Figure 3, Paragraphs 0030-0032, Paragraphs 0037,

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and Paragraph 0064-0065, i.e. *The DBLRI incorporates associated new and/or update rules in the manner discussed above.*).

Surasinghe, however, does explicitly recite the limitation:

“in a file-based format”.

Call teaches said limitation:

“in a file-based format” as *This illustrative program uses a file-based database rather than the relational database* (Call, Column 15 Lines 30-34).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add the feature of using a file-based format for a database as taught by Call to the method and system of Surasinghe so that, in the resultant method and system, configuration data in a file-based format. One would have been motivated to do so in order to provide a “cross-referencing database” (Call, Column 2 Lines 45-49) and also because employing file-based format such as XML for storing configuration data are well known in the art.

Claims 4, 7, and 8 are rejected on the same basis as claim 1.

As per claim 2, Surasinghe is directed to:

“a method according to claim 1 wherein the telecommunications operations software is selected from the group: provisioning software, customer support software or billing software.” (Surasinghe, Paragraph 0004, i.e. *For a company that provides a monthly service, such as, for example, telecommunication services, customized billing*

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software controls customer billing operations using predetermined parameters that define customer rate plans.).

Claim 5, 9, 12, and 15 are rejected on the same basis as claim 2.

As per claim 3, official note is taken that it is notoriously well known that object code, source code, or parameters or data are all referred to as computer code or vice versa in the art.

Claim 6 and 10 are rejected on the same basis as claim 6.

As per claim 11, Surasinghe in view of Call is directed to:

“a method comprising managing the configuration of a telecommunications software system wherein a user selects telecommunications products or services from a catalog through a graphical user interface” (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037). Note that it is inherent in the system of Surasinghe that new services and products of a business are reflected in said changes, including those made in a business catalog.

“the configuration of one or more programs in the software system are automatically updated to reflect the chosen products or services.” (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI 12 evaluates the expression and produces a corresponding executable routing that can be called by the application software.*).

Claim 14 is rejected on the same basis claim 11.

As per claim 13, Surasinghe is directed to

“a method according to claim 11 wherein further including automatically generating new versions of one or more of the programs.” (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI I2 evaluates the expression and produces a corresponding executable routing that can be called by the application software* and Paragraph 0064, i.e. *The DBLRI incorporates associated new and/or update rules in the manner discussed above.*)

As per claim 16, Surasinghe is directed to:

“a method comprising managing a telecommunications software system using a graphical user interface to set the configuration of one or more parts of the system at a first level of configuration” (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037),

“and automatically configuring the one or more parts at a second, lower level of configuration (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI I2 evaluates the expression and produces a corresponding executable routing that can be called by the application software* and Paragraph 0064, i.e. *The DBLRI incorporates associated new and/or update rules in the manner discussed above.*)

Claim 20 and 25 are rejected on the same basis as claim 16.

As per claim 17, Surasinghe is directed to

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"a method according to claim 16 further wherein the first level of configuration is specified at a policy level" (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037, i.e. *validation rules, matching rules, on-execution rules, post-match rules, closing action rules and so forth.....and edit user defined parameters or data objects that establish various trading instruments, various market types that define in which market a user may operate, and so forth.*).

Claim 21 is rejected on the same basis as claim 17.

As per claim 18, Surasinghe is directed to

"a method according to claim 16 further wherein the first level of configuration is specified as a composite of lower level configuration settings" (Surasinghe, Paragraph 0037, i.e. *When the editing of the rule is completed, the DBLRI 12 evaluates the expression and produces a corresponding executable routing that can be called by the application software.*). Note that in the method and system of Surasinghe, first level (entering rules via graphical user interface is a preliminary step to the generation of code (DBLRI) which is executed at the second lower level and thus is a composite of the second, lower level.

Claim 22 is rejected on the same basis as claim 18.

As per claim 19, Surasinghe is directed to

"a method according to claim 16 further wherein the first level of configuration is specified by selecting one or more product catalog items" (Surasinghe, Paragraph 0012,

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i.e. *The invention is a system for dynamically integrating changes in the rules governing business operations into an application program that implements the rules in order to control business operations.*) Note that it is inherent in the system of Surasinghe that new services and products of a business are reflected in said changes, including those made in a business catalog.

Claim 23 is rejected on the same basis as claim 19.

4. Claim 24 is rejected under 35 U.S.C. 103 (a) as being unpatentable over Surasinghe in view of Call and further in view of Fomenko (hereinafter "Fomenko") (U.S. Patent Application Publication Number 2003/0158919).

Referring to claim 24, Surasinghe in view of Call teaches the limitations:

"a configuration server for telecommunications software "(Surasinghe, Paragraph 0037,i.e. *DBLRI 12*);

"one or more configuration tools having a graphical user interface adapted to specify a configuration for the telecommunications software" (Surasinghe, Figure 2A and 2B and Paragraphs 0030-0037); and

"telecommunications software in communication with the configuration server" (Surasinghe, Paragraph 0012).

Surasinghe in view of Call does not explicitly teaches the limitations:

"a version control server for telecommunications software " and

“one or more version control tools adapted to manage versioning of the telecommunications software”.

Fomenko teaches the limitations:

“a version control server “ (Fomenko, Paragraph 0031) and

“one or more version control tools adapted to manage versioning (Fomenko, Paragraph 0031)”.

At the time the invention was made, it would have obvious to a person of ordinary skill in the art to add the feature of version controlling as taught by Fomenko to the method and system of Surasinghe in view of Call so that the resultant system would comprise a version control server and respective version control tools which are adapted to manage versioning of communications software. One would have been motivated to do so in order to because updating software employing version controlling is well known in the art.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as follows:

- (1) U.S. Patent Application Publication Number 2002/0026339 (Frankland et al.)
- (2) U.S. Patent Application Publication Number 2006/0059107 (Elmore et al.)
- (3) U.S. Patent Application Publication Number 2003/0135665 (Barker et al.)
- (4) U.S. Patent Number 6983317 (Bishop et al.)

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(5) U.S. Patent Number 5867494 (Krishnaswamy et al.)

(6) U.S. Patent Application Publication Number 2003/0133552 (Pillai et al.)

(7) U.S. Patent Application Publication Number 2001/0047279 (Gargone)

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Myint whose telephone number is (571) 272-5629. The examiner can normally be reached on 8:30AM-5:30PM Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-5629.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dennis Myint

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primary Examiner